

**Notice of Allowability**

Application No.

10/511,618

Examiner

Minerva Rivero

Applicant(s)

REITER, GOTTFRIED

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/26/06.
2. ☒ The allowed claim(s) is/are 2,4,6,8-14 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

1. In the Remarks filed 9/26/06 Applicants amended claims 2, 4, 6, 8-14, and 23, cancelled claims 1, 3, 5, and 7, and submitted arguments for allowability of pending claims.

#### ***Response to Amendment***

2. The 35 U.S.C. 101 rejection of claim 12 has been withdrawn.

#### ***Response to Arguments***

3. Applicant's arguments, see Remarks, filed 9/26/06, with respect to claims have been fully considered and are persuasive. The 35 U.S.C. 102 rejection of claims 2, 4, 6, 8-11 and 23 has been withdrawn.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

5. Authorization for this examiner's amendment was given in a telephone interview with Kurt Berger on 12/06/06.

The application has been amended as follows:

6. Claim 12 has been amended to depend on claim 2. Claim 12. A computer program product comprising computer program means emebdedd on a computer-readable medium, the computer programs means configured to perform the steps recited in claim 2 when executed on a computer, or a digital signal processor.

7. Claims 15-22 have been cancelled.

The following is an examiner's statement of reasons for allowance:

***Allowable Subject Matter***

8. Regarding claims 2, 4, 6, 8-11, 14 and 23, Heylen (US 2002/007046) discloses a method to produce a copy protected record carrier for digital data, characterized by determining at least one predetermined repetitive bit pattern which encodes into

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channel bits having an accumulated digital sum value that exceeds a first predetermined limit and that is below a second predetermined limit ([0085] lines 13-19; DSV exceeds an ideal zero level ([0065] and [0084]) but is below a second level to ensure readability of replica discs from the master); replacing at least one part of the digital data to be recorded by the at least one predetermined repetitive bit pattern and/or inserting the at least one predetermined repetitive bit pattern into at least one part of the digital data to be recorded [0085], and transferring said digital data including the at least one replaced and/or inserted part onto said record carrier by a mastering process so that said accumulated digital sum value which exceeds said first predetermined limit and is below said second predetermined limit is achieved in said at least one replaced and/or inserted part [0085].

However, no reference alone or in combination discloses said predetermined repetitive bit pattern is selected so that an abnormal writing beam deviation from an ideal position of a writing beam of a record carrier recording device for recordable record carriers is large enough to ensure that a writing process will be aborted or disturbed.

Therefore claims 2, 4, 13-14, 23, and dependent claim 12, are allowed.

Moreover, no reference alone or in combination discloses said predetermined repetitive bit pattern is selected so that merge bits are predefined and not changeable by electronics of a recorder due to design rules of a digital data content of the record carrier.

Therefore claim 6 is allowed.

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No reference alone or in combination discloses for audio digital data, the predetermined repetitive bit pattern is selected so that a low analog audio DC value is achieved.

Therefore claim 8 is allowed.

No reference alone or in combination discloses for audio digital data, said predetermined repetitive bit pattern is selected so that an equal analog audio DC value in all audio channels is achieved.

Therefore claim 9 is allowed.

No reference alone or in combination discloses said predetermined repetitive bit pattern is selected so than an audio output signal corresponding to the digital data is achieved, wherein the analog audio output signal has a frequency and/or amplitude which cannot be heard or can hardly be heard by humans.

Therefore claim 10 is allowed.

No reference alone or in combination discloses for audio digital data, before and after the predetermined repetitive bit pattern, a ramp signal is added that ensures a smooth transition from and to the digital data signal content before and after the signal content of the predetermined repetitive bit pattern.

Therefore claim 11 is allowed.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oshima (US 2001/0038578) discloses a medium, apparatus and method related to encryption of positional information

Oki *et al.* (US 2002/0110071) disclose a recording method wherein a synchronous signal is inserted into every predetermined number of code words in a code word string satisfying a predetermined run length restriction.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR 12/06/06



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